

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :	24 Civ. 273 (JGK) (GS)
Plaintiff, :	<u>ORDER</u>
- against - :	
JONATHAN FARBER, AARIF JAMANI, and :	
BRIAN KEASBERRY, :	
Defendants. :	

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GARY STEIN, United States Magistrate Judge:

As discussed at the January 21, 2025 conference before the undersigned, Plaintiff's request to compel non-party witness Anne Flocco to comply with its Fed. R. Civ. P. 45 subpoena for her deposition (Dkt. No. 56) is **GRANTED** as provided herein.

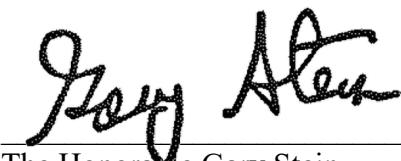
The Court finds that Plaintiff's repeated notices to Flocco—including by overnight mail and hand delivery to her doorman, in addition to Plaintiff's multiple calls, voicemails, and emails—constitute effective service, particularly in light of Plaintiff's uncontested representations that it made several attempts to personally serve Flocco at her residence, and that she shares this residence with Defendant Johnathan Farber, a party to this action. *See, e.g.*, *Advent Int'l Corp. v. El-Mann*, No. 24 Misc. 16 (MKV), 2024 WL 3639072, at *5 (S.D.N.Y. Aug. 2, 2024) (“Recently, a number of courts in this Circuit have authorized service of subpoenas by alternative means after diligent attempts at personal service.”); *Aristocrat Leisure Ltd. v. Deutsche Bank Tr. Co. Americas*, 262 F.R.D. 293, 304 (S.D.N.Y. 2009) (noting courts in the Second Circuit have interpreted Rule 45's personal service requirement “liberally where the type of service used ‘was calculated to provide timely actual notice.’” (collecting cases)).

Accordingly, Flocco shall appear for a deposition within three weeks from the date of this Order or, with Plaintiff's consent, at a later date that is mutually agreeable prior to the April 16, 2025 deadline for fact discovery. (Dkt. No. 58).

Plaintiff is directed to promptly serve a copy of this Order on Flocco via e-mail and certified mail to her last known address(es) and file proof of service.

SO ORDERED.

Dated: New York, New York
 January 28, 2025



The Honorable Gary Stein
United States Magistrate Judge